

DANIEL UMPA, on behalf of himself and
all others similarly situated,

Plaintiff,

V.

THE NATIONAL ASSOCIATION OF
REALTORS, et al.,

Defendants.

Case No. 4:23-cv-00945-SRB

Judge Stephen R. Bough

Oral Argument Requested

**MOTION OF AT WORLD PROPERTIES, LLC TO STRIKE
CLASS ALLEGATIONS AS TO ARBITRATING PUTATIVE CLASS MEMBERS**

Pursuant to Rule 12(f) of the Federal Rules of Civil Procedure and in accordance with the scheduling Order of this Court, defendant At World Properties, LLC (“@properties”), by its attorneys, moves to strike Plaintiff’s class allegations and the proposed class definition in the Complaint because they do not exclude persons who agreed to binding arbitration clauses and/or class action waivers (“Arbitrating Putative Class Members”) that are contained in their listing agreements with @properties. Alternatively, the Court should stay all putative or actual claims of the Arbitrating Putative Class Members pending a ruling on a motion to compel arbitration and/or a ruling on class certification. In bringing this Rule 12(f) motion to strike, @properties intends to preserve and enforce the class action waiver agreement and assert its arbitration rights to the maximum extent permissible in its initial response to the Complaint. If and to the extent Arbitrating Putative Class Members later come before this Court, @properties intends to promptly move to seek dismissal of their claims pursuant to the class action waiver agreement and to compel arbitration of their claims.

In support of this motion, @properties relies on (a) the Suggestions submitted in support

of its Separate Rule 12(f) Motion to Strike Class Allegations as to Arbitrating Putative Class Members (the “Motion to Strike Suggestions”); and (b) the Declaration of George Schultz and accompanying exhibits that are being submitted with the Motion to Strike Suggestions. In addition, @properties relies on the pleadings and records on file with this Court and such argument as may be presented at any hearing on this motion.

Dated: February 26, 2024

Respectfully submitted,

COOLING & HERBERS, P.C.

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Attorneys for At World Properties, LLC

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that on February 26, 2024, the foregoing **MOTION OF AT WORLD PROPERTIES, LLC TO STRIKE CLASS ALLEGATIONS AS TO ARBITRATING PUTATIVE CLASS MEMBERS** was electronically filed with the Clerk of the Court by utilizing the CM/ECF System, which will provide electronic notification to all counsel of record.

/s// Elizabeth A. Vasseur-Browne
Elizabeth A. Vasseur-Browne